

EXHIBIT A

PROSKAUER ROSE LLP
John P. Barry
Alychia L. Buchan
One Newark Center
Newark, New Jersey 07102-5211
Telephone: 973.274.3200
Fax: 973.274.3299
Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----X		
BYRON HUART and KEVIN HUART,	:	Civil Action No.: 10-5437 (FSH)
	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
THE GREAT ATLANTIC & PACIFIC TEA	:	
COMPANY, INC., A&P, TONY ALIBRONDO,	:	
JOHN BINCELLETO, JOHN DOES 1-15	:	
(fictitious entities), and XYZ CORPORATIONS	:	(New Jersey Superior Court,
1-5 (fictitious entities),	:	Civil Division, Essex County,
	:	Docket No.: L-5591-10)
<i>Defendants.</i>	:	
	:	<u>Document Electronically Filed</u>
	:	
	:	
-----X		

**APPLICATION AND ORDER FOR AN EXTENSION OF TIME
FOR DEFENDANT TO ANSWER, MOVE
OR OTHERWISE REPLY TO THE COMPLAINT**

Application is hereby made, pursuant to Local Civil Rule 6.1(b), for a Clerk's Order extending the time within which defendant The Great Atlantic & Pacific Tea Company, Inc. ("A&P") and individual defendants John Bincoletto ("Bincoletto") and Anthony Alibrando ("Alibrando") (collectively, "Defendants"), may answer, move or otherwise reply to the

Amended Complaint in this action. In support of this application, Defendants state the following:

1. No previous extension to respond to the Amended Complaint has been applied for or obtained.

2. On October ~~25~~²¹, 2010, Defendants filed a Notice of Removal in this Court, removing this action to this Court from the Superior Court of New Jersey, Law Division, Essex County.

3. Pursuant to Rules 6(a) and 81(c) of the Federal Rules of Civil Procedure, the time within which the Defendants must answer, move or otherwise reply to the Amended Complaint expires November 1, 2010.

4. Defendants therefore respectfully request entry of the following Clerk's Order, pursuant to Local Civil Rule 6.1(b), extending the time to answer, move or otherwise reply to the Complaint for fifteen days, from November 1, 2010, through and including November 16, 2010.

Dated: October 21, 2010

Respectfully submitted,

PROSKAUER ROSE LLP

By: /s/ John P. Barry

John P. Barry (jbarry@proskauer.com)

Alychia L. Buchan (abuchan@proskauer.com)

Attorneys for Defendants

ORDER

The above application is ORDERED GRANTED, and the time within which Defendants may answer, move or otherwise reply to the Amended Complaint in this action is extended from November 1, 2010, through and including November ¹¹~~16~~, 2010.

ORDER dated: 10-22, 2010.

WILLIAM T. WALSH, CLERK

By: Jane DelloMoro
Deputy Clerk

EXHIBIT B

Enclosure with EEOC
Form 161 (2/08)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02** -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.